

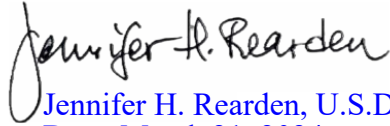
Application GRANTED.

The Clerk of Court is directed to terminate  
ECF No. 34.

April 13, 2023

SO ORDERED.

VIA ECF

Hon. Jennifer H. Rearden  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007Jennifer H. Rearden, U.S.D.J.  
Date: March 21, 2024**Re: Rakt Corp. et al. v. AdsPostX, Inc. et al., Case No. 1:23-cv-02081-JHR**  
**Request for Filing Declaration Exhibits B, C, and D Under Seal**

Dear Judge Rearden:

We represent Plaintiffs Rakt Corp. and Rakt Pte Ltd. (collectively, "Rakt") in the above-referenced action. We write pursuant to Rule 9.C of Your Honor's Individual Rules and Practices in Civil Cases, Standing Order 19-MC-583, and Section 6 of the District's Electronic Case Filing Rules and Instructions to request leave to file Exhibits B through D to the Reply Declaration of Rakt's Ashley Firmstone under seal in connection with Rakt's reply in further support of its motion for preliminary injunctive relief.

Exhibit B contains a confidential presentation including proprietary and trade secret information that Rakt previously sent to Defendant Jon Nolz. Rakt seeks leave to submit a redacted version of the presentation under seal, as Rakt relies upon one specific slide in support of its motion. Pursuant to Rule 9.A, Rakt redacted all other proprietary or trade secret information that does not bear on its motion. Exhibits C and D contain references to the trade secrets included in Exhibit B. In order to avoid any disclosure of this highly sensitive information, Rakt therefore seeks leave to submit Exhibits C and D under seal as well.

Courts in this Circuit have routinely recognized that the demonstration of a valid need to protect the confidentiality of proprietary business information is a legitimate basis to rebut the public's presumption of access to judicial documents. See, e.g., *Lexington Furniture Indus., Inc. v. Lexington Co.*, AB, No. 19-CV-6239 (PKC), 2021 WL 1143694, at \*2 (S.D.N.Y. Mar. 24, 2021); *Hanks v. Voya Ret. Ins. & Annuity Co.*, No. 16-CV-6399 (PKC), 2020 WL 5813448, at \*2 (S.D.N.Y. Sept. 30, 2020). As Rakt seeks to maintain a single exhibit containing trade secret information under seal, Rakt submits that its request is narrowly tailored to serve that interest. See *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006).

We conferred with counsel for Defendants, who neither consent to nor oppose this request. Defense counsel further indicated that they are reserving their right to seek to unseal the documents or portions thereof after they have reviewed the contents. We thank the Court for its attention to this matter.

Very truly yours,



Tomasita L. Sherer